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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,400	02/11/2004	John Snyder	XAW-0302	2389
25007	7590	01/25/2007	EXAMINER	
LAW OFFICE OF DALE B. HALLING, LLC 655 SOUTHPOINTE CT, SUITE 100 COLORADO SPRINGS, CO 80906			VAUGHN, GREGORY J	
			ART UNIT	PAPER NUMBER
			2178	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/25/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/776,400	SYNDER	
	Examiner	Art Unit	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 November 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Action Background

1. This action is responsive to the applicant's Request for Continued Examination filed on 11/1/2006.
2. Applicant has amended claims 1, 14 and 19.
3. Claims 1-21 are pending in the case, claims 1, 14 and 19 are independent claims.

Specification

4. The disclosure remains objected to because of the following informalities:
 - The disclosure recites "*transformer document 22*" (page 5, line 25). Reference sign 22 of Figure 2 is directed toward a "*Transformer Program*".
 - The disclosure recites "*XML system 34*" (page 6, line 6). Reference sign 34 of Figure 2 is directed toward a "*XML Stream*".
 - The disclosure fails to disclose those reference signs listed in paragraph 6 above, which are shown in the drawings.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

"Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title."

6. Claims 1-21 remain rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

7. **Regarding claims 1-21,** the claims lack the necessary physical articles or objects to constitute a machine or a manufacture within the meaning of § 101. They are clearly not a series of steps or acts to be a process nor are they a combination of chemical compounds to be a composition of matter. As such they fail to fall within a statutory category. They are, at best, functional descriptive material, *per se*.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the first paragraph of 35 U.S.C. 112:

"The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention."

9. Claims 1-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
10. **Regarding claims 1, 14 and 19,** the amendment filed 10/3/2006 adds the following limitations: "*compound statement*". The examiner has reviewed the originally filed specification, and has failed to find support for the added limitations. Applicant is required to cancel the new matter in response to this office action.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

12. Claims 1-21 remain rejected under 35 U.S.C. 102(e) as being anticipated by Ye et al. US Patent Publication 2004/0083242, filed 10/20/2003, published 4/29/2004 (hereinafter Ye).

13. **Regarding independent claim 1**, Ye discloses converting an input text document into an XML document. Ye recites: *"The prior technologies for locating and transforming the data in a data file includes the XML Converter developed by the Unidex company. The XML Converter transforms the data in the data file having simple and delimitated format"* (paragraph 5). Ye discloses the resultant XML document does not contain every element that was in the input document. Ye recites: *"when the type of the data unit is not "Text", selecting a different data unit as the location reference for the data unit"* (paragraphs 17-18).

14. **Regarding dependent claims 2 and 3,** Ye discloses the input document as structured and semi-structured text documents. Ye recites: "*the invention has an advantage of being capable to transform data in the data files having various structures*" (paragraph 76).
15. **Regarding dependent claim 4,** Ye discloses the input document with at least two formats. Ye recites: "in order to exchange data, it is firstly needed to understand, analyze and process the original data having different formats" (paragraph 4).
16. **Regarding dependent claims 5-7,** Ye discloses the use of a field separator in the text document (claim 5), wherein the separator is a comma (claim 6) or a regular expression (claim 7). Ye recites: "*For example, it requires the data file to be processed must consist of records, where each record is a sequence of fields. The records and the fields are delimitated by separators. The fields that are not delimited must have fixed length*" (paragraph 5). See also the text input document shown in Figure 4, where some of the input text is delimited by commas.
17. **Regarding dependent claim 8,** Ye discloses a match command for the text conversion. Ye recites: "*the above prior art, however, can only apply in specific application environments, and provide the key words matching or semantic analysis*" (paragraph 10).

18. **Regarding dependent claim 9,** Ye discloses an XML tree hierarchy. Ye discloses generating an XML document from an input stream, as described above. XML documents are processed by a parsing process that inherently builds a tree hierarchy structure.
19. **Regarding dependent claims 10 and 11,** Ye discloses the input as streaming text (claim 10) and the output as streaming XML (claim 11). Ye recites: "*It will be understandable that the persons in the art may employ any kinds of software and/or hardware to implement the function of each of the units in the data transforming device according to the invention. For example, the known computer, Web server, network and/or the software running in these facilities may implement the invention*" (paragraph 184).
20. **Regarding dependent claim 12,** Ye discloses a wizard that has a number of queries that are used to define the transformer program. Ye recites: "*the invention has another advantage of enabling a user to flexibly set the extraction rule and output rule on the original data when necessary*" (paragraph 77).
21. **Regarding dependent claim 13,** Ye discloses the input is from a legacy system. Ye recites: "the specialized data transformation tool is developed for a particular application system, in order to transform an original data into an objective data" (paragraph 3).

22. Regarding claims 14-18 and 19-21, the claims are directed toward a process and a system for the system of claims 1-13 and are rejected using the same rationale.

Response to Arguments

23. Applicant's arguments filed 5/22/2006 have been fully considered but they are not persuasive.

24. In response to the examiner's objections to the originally filed specification, the applicant recites: "*the transformer program is a transformer document*" (page 6, third paragraph, of the response filed 5/22/2006). Figure 2 is a block diagram, where reference sign 22 is used to designate a block with the label "*Transformer Program*". The disclosure recites "*transformer document 22*" (page 5, line 25). Applicant may amend either the specification or the drawings to overcome this objection.

25. In response to the examiner's objections to the originally filed specification, the applicant recites: "*the specification states the "output may be a streamed XML 34 or an XML system." This is correct and consistent*" (page 6, fourth paragraph, of the response filed 5/22/2006). Figure 2 is a block diagram, where reference sign 34 is used to designate a block with the label "*XML Stream*". The disclosure recites "*XML system 34*" (page 6, line 6). Applicant may amend either the specification or the drawings to overcome this objection.

Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
Patent Examiner
January 20, 2007


STEPHEN HONG
SUPERVISORY PATENT EXAMINER